

## **REMARKS/ARGUMENTS**

Applicant thanks the Examiner for review of the present application. Claims 1-12 and 15-21 are now pending in the present application. Applicant notes with appreciation the continued indication that Claims 15-17 present allowable subject matter.

The Official Action of August 28, 2007, rejects Claims 1-12 and 15-21. Claims 12 and 15-21 are rejected under § 101 as being directed to non-statutory subject matter. Claims 1-12 and 18-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,789,215 to Rupp (hereinafter “the Rupp patent”).

Applicant provides the following remarks in response to the rejections set forth in the Office Action.

### *Rejections Under 35 U.S.C. § 101*

The Office Action rejects Claims 12 and 15-21 under § 101 as being directed to nonstatutory subjected matter. Applicant has amended these claims to be directed to, as recited in Claim 12, “A computer program product comprising a computer-useable medium having a computer-readable code embodied therein.” Applicant submits that the amended subject matter of Claims 12 and 15-21 present statutory subject matter and that the rejection is, thereby, overcome by the amendments and remarks presented herein.

### *Rejections Under 35 U.S.C. § 102(e)*

The Office Action rejects Claims 1-12 and 18-21 under § 102(e) as being anticipated by the Rupp patent. Applicant has amended independent Claims 1, 5, 9, and 12 to recite the subject matter of Claim 15, rejected under § 101, but indicated as presenting allowable subject matter. Applicant has cancelled Claim 15. Accordingly, for at least the reasons why Claim 15 presented allowable subject matter, Applicant submits that Claims 1, 5, 9 and 12, as amended, now also each present allowable subject matter and that such claims are in a condition for allowance. Applicant submits that the present amendments overcome the § 102(e) rejections and that pending Claims 1-12 and 16-21 are in a condition for allowance.

Conclusion

In view of the remarks presented above, Applicant submits that all of the pending Claims 1 - 21 are in condition for allowance. Accordingly, entry of the allowance of the application is respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as the fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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